



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION II
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NEW YORK, NEW YORK 10007-1866

February 18, 2014

By Electronic Mail

Robert Law, Ph.D.
CPG Project Coordinator
de maximis, inc.
186 Center Street, Suite 209
Clinton, New Jersey 08809

Dear Dr. Law:

EPA has reviewed your letter dated January 24, 2014, requesting modification of interim deliverables for the Feasibility Study (FS) required by the Administrative Agreement and Order on Consent for the Lower Passaic River Study Area Remedial Investigation/Feasibility Study (RI/FS) (CERCLA Docket No. 02-2007-2009).

While EPA is not willing to relieve the Cooperating Parties Group (CPG) of the obligation to submit the interim deliverables described further herein, we are willing to streamline the process, as described below. Each of the interim FS deliverables for which the CPG requests modification is discussed separately below.

1. Remedial Action Objectives and Preliminary Remediation Goals (RAOs and PRGs) Technical Memorandum (Statement of Work (SOW) Section F.1)

Section F.1 of the SOW includes the identification of applicable or relevant and appropriate requirements (ARARs), identification of risk-based PRGs based on the results of the human health and ecological risk assessments, and identification of RAOs for the site.

As we have mentioned, the ARARs table the CPG put together for the RM 10.9 Removal Action was an excellent summary and provides a good basis for the FS ARARs list. In addition, and as requested, we will forward the ARARs table for the lower 8 mile focused feasibility study (FFS) shortly, when the FFS is released. Also attached, for your information and based on your request, is the draft list of RAOs that are in the current version of the FFS, but please note that this list is subject to change until release of the final FFS.

Based on what has already been prepared, development of both the ARARs table and list of RAOs for the 17-mile RI/FS should be a relatively straightforward process at this point. In addition, as per the CPG's most recent schedule, the draft risk assessments are due to be submitted in early April. Once these are available, the preliminary lists of chemicals of potential concern will be known and preliminary PRGs can be developed.

Given the above, it seems to EPA that a brief technical memorandum summarizing the information requested in Section F.1 of the SOW can be prepared by May 2014, and as part of the administrative process, EPA believes it should be. However, Section F.1 of the SOW states that this memorandum must be approved prior to the start of the selection of alternatives phase of the FS, and it is on this point that EPA is willing to streamline the process. While the technical memorandum should still be submitted, the rest of the FS work may proceed while the document is being reviewed. As mentioned in your letter, the monthly technical meetings we have planned will afford the opportunity to discuss on an ongoing basis concerns EPA has with the CPG's proposed approach, so that adjustments can be made as the full document is developed. Further, the FS report to be submitted by the end of the year will be a draft document, and additional agency concerns will be provided on the complete document.

2. Remedial Alternatives Screening Technical Memorandum (SOW Section F.4.b)

The screening work described in this section of the SOW must be completed at some point as part of the FS process. As we have discussed, much of the upfront work to complete this effort has already been conducted, both by the CPG and by EPA for the FFS. As such, preparation of a brief technical memorandum outlining the results should not require a significant investment of time and, for the administrative record, it would be beneficial to have this summary. Again, EPA does not think it necessary to hold up preparation of the rest of the draft FS report in order to submit this memorandum; in fact, the SOW does not specify that later aspects of the FS process are contingent upon approval of this memorandum.

3. Remedial Alternatives Evaluation Technical Memorandum (SOW Section F.6.c)

Again, the evaluation described in this section of the SOW must be completed at some point as part of the FS process. A brief technical memorandum should be prepared for the record, but approval of this memorandum should not hold up preparation of the rest of the draft FS report. Concerns with preparation of this memorandum and the one described in Section F.4.b of the SOW can be discussed at the technical meetings, both prior to submission of the memorandums and after.

4. Identify and Evaluate Candidate Remediation Technologies in a Treatability Study Program (SOW Sections F.5.a and c)

It is EPA's opinion that this requirement of the SOW can be incorporated into that described in Point 2 above, related to SOW Section F.4.b. If a potential remediation technology is found during the remedial alternatives screening process that warrants a treatability study, then the requirements of Section F.5 of the SOW should be completed. However, if no such new technology is found, then results of past studies, tests and evaluations can simply be summarized in the technical memorandum required by Section F.4.b, and further discussed in the full draft FS report.

In summary, EPA agrees that the process as originally envisioned in the SOW for this site can be streamlined, as described herein. However, the basic requirement that all steps in the FS process be documented still stands.

Please let me and Jennifer LaPoma know if you have any questions or concerns.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'Stephanie Vaughn', with a long horizontal flourish extending to the right.

Stephanie Vaughn, Project Manager
LPRSA 17-Mile RI/FS

Attachment

cc: J. LaPoma, EPA
R. Basso, EPA
S. Flanagan, EPA
P. Hick, EPA
W. Potter, CPG
W. Hyatt, CPG

Attachment 1
Draft Final List of Remedial Action Objectives for the Focused Feasibility Study

Remedial action objectives (RAOs) describe what the proposed site cleanup is expected to accomplish. The following RAOs have been established for the FFS Study Area:

- Reduce cancer risks and non-cancer health hazards for people eating fish and shellfish by reducing the concentrations of COCs in the sediments of the FFS Study Area.
- Reduce the risks to ecological receptors by reducing the concentrations of COCs in the sediments of the FFS Study Area.
- Reduce the migration of COC-contaminated sediments from the FFS Study Area to upstream portions of the Lower Passaic River and to Newark Bay and the New York-New Jersey Harbor Estuary.